



INTERIOR BOARD OF INDIAN APPEALS

Paiute Indian Tribe of Utah v. Western Regional Director, Bureau of Indian Affairs

38 IBIA 58 (08/08/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

PAIUTE INDIAN TRIBE OF UTAH,
Appellant

v.

WESTERN REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 02-137-A
:
:
: August 8, 2002

This is an appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official," in which the Paiute Indian Tribe of Utah (Tribe) alleges that the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), has failed to take action on its request concerning the trust acquisition of a 0.94-acre parcel of land located in Cedar City, Utah.

The Board has little background information on this trust acquisition. At page 1 of a Statement of Reasons which was attached to its notice of appeal, the Tribe stated:

According to the requirements of 25 C.F.R. § 151, only two actions are needed to complete this acquisition: First, a final title opinion must be issued by the Phoenix Area Solicitor's office. Second, this opinion, and the approved deed already submitted, must be recorded at the Albuquerque Land Titles and Records Office.

* * * There has been no objection to this acquisition from any state or local government entity. It is for a small parcel of property contiguous to the Tribe's reservation and involves no change in land use. All the requirements of 25 C.F.R. § 151 and the preliminary title opinion have been met.

Upon receipt of the Tribe's notice of appeal, the Board ordered the Regional Director to advise the Board of the status of his consideration of the Tribe's request. In a response that the Board received on August 5, 2002, the Regional Director stated that the July 3, 2001, general warranty deed conveying the property to the United States in trust for the Tribe had been approved on July 10, 2001; that a final title opinion had been issued by the Phoenix Field Solicitor on March 19, 2002; and that, on July 29, 2002, these two documents were submitted to the BIA's Southwest Land Titles and Records Office in Albuquerque, New Mexico, for recording. The Regional Director stated that when the documents were recorded, the original general

warranty deed and title insurance policy and a copy of the final title opinion would be sent to the Tribe.

Based on the Tribe's statement of reasons and the Regional Director's response, it appears that the Tribe has received the relief it sought in this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed and dismissed as moot. 1/

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge

1/ The Board expresses no opinion as to whether or not all of the requirements of 25 C.F.R. Part 151 have been completed, as represented by the Tribe. This issue is not before the Board in this appeal.